

chapter as authorized in subchapter IV of this chapter.

(Pub. L. 93-113, title V, § 504, Oct. 1, 1973, 87 Stat. 416; Pub. L. 94-293, § 6(c), May 27, 1976, 90 Stat. 526.)

#### REFERENCES IN TEXT

This chapter, referred to in text, in the original read "this Act" meaning Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 396, known as the Domestic Volunteer Service Act of 1973, which enacted this chapter, amended section 3067 of this title and section 8332 of Title 5, Government Organization and Employees, repealed sections 2991, 2992 to 2992b, 2993 to 2993b, 2994 to 2994d, and 3044 to 3044e of this title, and enacted provisions set out as notes under sections 4951 and 5041 of this title.

#### AMENDMENTS

1976—Pub. L. 94-293 added "September 30, 1977, and September 30, 1978," following "June 30, 1976,".

#### § 5085. Availability of appropriations

Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this chapter or any predecessor authority shall remain available, in accordance with the provisions of this chapter, for obligation and expenditure until expended.

(Pub. L. 93-113, title V, § 505, Oct. 1, 1973, 87 Stat. 416.)

#### REFERENCES IN TEXT

This chapter, referred to in text, in the original read "this Act" meaning Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 396, known as the Domestic Volunteer Service Act of 1973, which enacted this chapter, amended section 3067 of this title and section 8332 of Title 5, Government Organization and Employees, repealed sections 2991, 2992 to 2992b, 2993 to 2993b, 2994 to 2994d, and 3044 to 3044e of this title, and enacted provisions set out as notes under sections 4951 and 5041 of this title.

### CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT

Sec.

#### 5101. National Center on Child Abuse and Neglect.

(a) Establishment.

(b) Functions.

- (1) Annual research summary.
- (2) Information clearinghouse.
- (3) Training materials for personnel.
- (4) Technical assistance.
- (5) Research into causes, prevention, identification, and treatment.
- (6) Study.

(c) Grant and contract authority.

#### 5102. Definitions.

#### 5103. Demonstration programs and projects.

- (a) Grants and contracts; scope of activities; funds for fiscal year.
- (b) Grants to States; funds for fiscal year; qualifications for assistance; compliance of social security provisions with certain requirements.
- (c) Prohibition of assistance for construction of facilities; lease or rental and alteration or repair of facilities.
- (d) Criteria for equitable distribution of assistance.
- (e) Definition.

#### 5104. Authorization of appropriations.

Sec.

#### 5105. Advisory Board on Child Abuse and Neglect.

- (a) Appointment; membership; Federal agencies represented; functions.
- (b) Report to President and Congress.
- (c) Funds for report.

#### 5106. Coordination of Federal programs; regulations; arrangements.

#### § 5101. National Center on Child Abuse and Neglect

##### (a) Establishment

The Secretary of Health, Education, and Welfare (hereinafter referred to in this chapter as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this chapter as the "Center").

##### (b) Functions

The Secretary, through the Center, shall—

##### (1) Annual research summary

Compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect;

##### (2) Information clearinghouse

Develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of child abuse and neglect;

##### (3) Training materials for personnel.

Compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

##### (4) Technical assistance

Provide technical assistance (directly or through grant or contract) to public and non-profit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect;

##### (5) Research into causes, prevention, identification, and treatment

Conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof; and

##### (6) Study

Make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity.

##### (c) Grant and contract authority

The Secretary may carry out his functions under subsection (b) of this section either directly or by way of grant or contract.

(Pub. L. 93-247, § 2, Jan. 31, 1974, 88 Stat. 4; Pub. L. 93-644, § 8(d)(1), Jan. 4, 1975, 88 Stat. 2310.)

#### AMENDMENTS

1975—Subsec. (c). Pub. L. 93-644 added subsec. (c).

## SHORT TITLE

Section 1 of Pub. L. 93-247 provided: "That this Act [this chapter] may be cited as the 'Child Abuse Prevention and Treatment Act'."

## § 5102. Definitions

For purposes of this chapter the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

(Pub. L. 93-247, § 3, Jan. 31, 1974, 88 Stat. 5.)

## § 5103. Demonstration programs and projects

## (a) Grants and contracts; scope of activities; funds for fiscal year

The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this subsection may be—

(1) for the development and establishment of training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

Not less than 50 per centum of the funds appropriated under this chapter for any fiscal year shall be used only for carrying out the provisions of this subsection.

## (b) Grants to States; funds for fiscal year; qualifications for assistance; compliance of social security provisions with certain requirements

(1) Of the sums appropriated under this chapter for any fiscal year, not less than 5 per centum and not more than 20 per centum may be used by the Secretary for making grants to the States for the payment of reasonable and necessary expenses for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this chapter for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combating child abuse and neglect receive preferential treatment.

(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act [42 U.S.C. 601 et seq. and 620 et seq.] shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2).

**(c) Prohibition of assistance for construction of facilities; lease or rental and alteration or repair of facilities**

Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

**(d) Criteria for equitable distribution of assistance**

The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

**(e) Definition**

For the purpose of this section, the term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam and the Trust Territories of the Pacific.

(Pub. L. 93-247, § 4, Jan. 31, 1974, 88 Stat. 5; Pub. L. 93-644, § 8(d)(2), Jan. 4, 1975, 88 Stat. 2310.)

**REFERENCES IN TEXT**

The Social Security Act, referred to in subsec. (b)(3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A and Part B of title IV of the Social Security Act are classified generally to Part A (§ 601 et seq.) and Part B (§ 620 et seq.) of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables volume.

**AMENDMENTS**

1975—Subsec. (e). Pub. L. 93-644 added subsec. (e).

**§ 5104. Authorization of appropriations**

There are hereby authorized to be appropriated for the purposes of this chapter \$15,000,000 for the fiscal year ending June 30, 1974, \$20,000,000 for the fiscal year ending June 30, 1975, and \$25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year.

(Pub. L. 93-247, § 5, Jan. 31, 1974, 88 Stat. 7.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 5105 of this title.

**§ 5105. Advisory Board on Child Abuse and Neglect**

**(a) Appointment; membership; Federal agencies represented; functions**

The Secretary shall, within sixty days after January 31, 1974, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse and neglect administered or assisted under this chapter with such programs and activities administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal Standards for child abuse and neglect prevention and treatment programs and projects.

**(b) Report to President and Congress**

The Advisory Board shall prepare and submit, within eighteen months after January 31, 1974, to the President and to the Congress a report on the programs assisted under this chapter and the programs, projects, and activities related to child abuse and neglect administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. Such report shall include a study of the relationship between drug addiction and child abuse and neglect.

**(c) Funds for report**

Of the funds appropriated under section 5104 of this title, one-half of 1 per centum, or \$1,000,000, whichever is the lesser, may be used by the Secretary only for purposes of the report under subsection (b) of this section.

(Pub. L. 93-247, § 6, Jan. 31, 1974, 88 Stat. 7.)

**TERMINATION OF ADVISORY BOARDS**

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of its establishment unless in the case of a board established by the President or an officer of the federal government, such board is renewed by appropriate action prior to the end of such period, or in the case of a board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 5106. Coordination of Federal programs; regulations; arrangements**

The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination between programs related to child abuse and neglect under this chapter and other such programs which are assisted by Federal funds.

(Pub. L. 93-247, § 7, Jan. 31, 1974, 88 Stat. 8.)